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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,655	02/11/2002	Peter Carter	13154	6272
23719	7590	02/20/2004	EXAMINER	
KALOW & SPRINGUT LLP 488 MADISON AVENUE 19TH FLOOR NEW YORK, NY 10022			BOS, STEVEN J	
			ART UNIT	PAPER NUMBER
			1754	

DATE MAILED: 02/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/073,655

Applicant(s)

CARTER ET AL.

Examiner

Steven Bos

Art Unit

1754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 5, 12, 14, 18-20, 22, 25, 28, 33-35, 37 and 39 is/are allowed.
- 6) ☒ Claim(s) 4, 13, 15-17, 21, 23, 24, 26, 29-32, 36, 38 and 40-42 is/are rejected.
- 7) ☒ Claim(s) 27 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Art Unit: 1754

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4,13,15,16,17,21,23,24,26,29-32,36,38,40,41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 4, there are two occurrences of "and" in the Markush grouping which renders the claim indefinite.

In claim 13, "said step of isolating" lack(s) proper antecedent basis in the claim(s) as the word "step" was not previously recited.

In claim 15, "a sulfate-containing compound is added" is indefinite as to what it is added to.

In claim 16, line 2, "the first liquid phase of claim 14" is indefinite as to which this refers to, the one in d, e or g.

In claim 16, it is indefinite as to how this claim fits into or further limits claim 14 from which it depends since it would appear that step f in claim 14 would then be rendered moot or inconsequential.

In claim 17, it is indefinite as to how this claim fits into or further limits claim 14 from which it depends via claim 16 since it would appear that step f in claim 14 would then be rendered moot or inconsequential.

In claim 21, there are two occurrences of "and" in the Markush grouping which renders the claim indefinite.

Art Unit: 1754

In claim 23, "the liquid slurry" lack(s) proper antecedent basis in the claim(s). It appears that – first slurry stream – was intended.

In claim 24, "50%" and "80%" are indefinite as to what the units of this % are, ie. is it weight %, volume % or something else?

In claim 26, "said residual liquid" lack(s) proper antecedent basis in the claim(s).

In claims 29,30,32, "adding a sulfate-containing compound" is indefinite as to what it is added to.

In claim 31, line 3, "said second solution of claim 28" is indefinite as to which one this refers to, b or e.

In claim 36, there are three occurrences of "and" in the Markush grouping which renders the claim indefinite.

In claim 38, "the liquid slurry" lack(s) proper antecedent basis in the claim(s). It appears that – liquid slurry stream – was intended.

In claim 40, "said residual liquid" lack(s) proper antecedent basis in the claim(s).

In claim 41, "said step of isolating" lack(s) proper antecedent basis in the claim(s).

In claim 41, "said residual liquid phase" lack(s) proper antecedent basis in the claim(s).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 1754

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 42 is rejected under 35 U.S.C. 102(b) as being anticipated by Katamoto '378. See examples 1-6.

Claims 1-41 appear allowable over the cited prior art of record none of which teaches or suggests the instantly claimed combination of process steps.

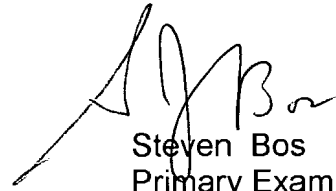
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Bos whose telephone number is 571-272-1350. The examiner can normally be reached on M-F, 8AM-6PM but is on increased flexitime sch.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/073,655
Art Unit: 1754

Page 5

A handwritten signature in black ink, appearing to read 'S. Bos', is written over the printed name and title.

Steven Bos
Primary Examiner
Art Unit 1754

sjb